

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

REQUEST FOR RENEWAL OF OMB CLEARANCE
OMB # 0648-0203

Northwest Federal Fisheries Permits

Supporting Statement for Information Collection
Northwest Region, NOAA Fisheries

This statement supports a request for renewal of OMB clearance of OMB # 0648-0203, Northwest Federal Fisheries Permits. The existing clearance for this information collection will expire April 30, 2000.

This statement combines three data collections authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) which was developed by the Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, U.S.C. 1801 et seq (Magnuson-Stevens Act). The FMP governs the groundfish fishery off Washington, Oregon, and California (WOC).

The supporting statements are presented in three sections. The first deals with experimental fishing permits; the second deals with the renewal and transfer of limited entry permits; and the third pertains to federal permits for groundfish processing vessels over 125' in length.

INTRODUCTION -- PERMITS. The issuance of a permit is a necessary component in the management of fishery resources. Identification of the participants, their gear types, descriptions of their vessels, and expected activity levels are needed to measure the consequences of management controls, and is an effective tool in the enforcement of other fishery regulations.

Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the vessel from the fishery altogether. Fines for fishing without a permit are more substantial and easier to enforce than fines for other violations.

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognized the need for permit issuance. Almost every international, federal, state, and local fishery management authority recognizes the value of and uses permits as an integral part of their management systems.

A. EXEMPTED FISHING PERMITS (EFP)

1. Explain the circumstances that make the collection of information necessary. Exempted (previously called "experimental") fishing permits are issued to applicants for fishing activities that would otherwise be prohibited under a FMP. The permits allow vessels to fish for public display, data collection, exploration, health and safety, environmental cleanup, hazard removal purposes, or to conduct limited testing. The intent is to respond to changes in the resource, fishery and other applicable law, and to requests of the public or government, resulting in better management of the resource and fishery.
2. Explain how, by whom, how frequently, and for what purpose the information is to be used. Exempted fishing permits are issued to applicants for fishing activities that would otherwise be prohibited under a FMP. A narrative description of the proposed activity is required to fully document the intended operation. This documentation allows NMFS to evaluate the consequences of the experimental fishing activity and weigh the benefits and costs. Exempted fishing permits may lead to better management of the resource by allowing innovation that may resolve existing technological barriers or by providing additional scientific and management data. Permittees are required to file reports on the results of the experiments, so that NMFS can evaluate the techniques used and decide if management regulations should be changed.

The total number of responses in an exempted fishery can change from year to year, and is different for each exempted fishery. One application is required annually (from a vessel or state) but the number of data reports may vary. In some instances, a single report at the end of the year may be adequate, whereas in others, a data report may be required each time fish are landed.

The information requested in the permit application form is used by several offices of NMFS, the U.S. Coast Guard and state fishery enforcement agencies under contract to NMFS, and summarizations of all permittee information are used by NMFS, the Council, and fishery organizations.

Information such as name, address and telephone number of the applicant, operator and/or owner, and date of the application are used to identify the applicant and the legal ownership of the vessel being permitted. This latter requirement is essential in the use of permit sanctions as a fisheries enforcement tool. For example, violations of catch regulations may result in suspension of a permit. Since many vessels may be owned by corporations, identification of ownership on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. Telephone numbers are required to assist NMFS in processing the application by allowing questions to be resolved more quickly and cheaply than by correspondence.

The application also includes a statement of the purposes and goals of the exempted fishery, with justification for issuance of the EFP; the species (target and incidental) and amounts expected to be taken under the EFP; the disposition of the catch; and anticipated impacts on marine mammals or endangered species. This information is needed to help evaluate the program, its scope and impacts, and to determine whether the activity is appropriate for further consideration.

Information on the vessel (including a copy of the USCG documentation, State fishing license or registration, or the information on those documents), gear used, fishing area, and time of fishing is needed for identification of the participants at sea for boardings and inspections by NMFS enforcement vessels or overflights. The information also precludes substitution of gear or vessels that may otherwise be prohibited by other regulations in effect. Information on the gear being used is also used in making management decisions, since it helps show how gear restrictions affect the members of the fishery. Gear,

fishing area, and time of year also may be important factors to consider in determining appropriate permit conditions to attach to the EFP.

Additional information may be requested. For example, other information on the physical vessel characteristics such as hold or fuel capacity, units and size of gear, or refrigeration capability may be used to inventory the relative fishing power of each craft. This information may be used in estimating the effects of fishing effort on the biological status of stocks, or to assist NMFS in its national security role for the Federal Emergency Planning Administration. In some cases EFPs are issued allowing the permittee to keep fish in compensation for collecting resource survey information according to a NMFS-approved protocol. In these cases the application must state that the vessel's participation is contingent upon compensation.

Owner/applicant signatures are required as legally binding actions which ensure eligibility to receive a permit under the other FMP regulations. False statements without the signature of the applicant would be much harder to prosecute.

The types of reports submitted under EFPs vary according to the nature of the EFP. In some cases the applicant is a state requesting permits for multiple vessels, and the state is required to collect catch information from the vessels and submit summary reports. The frequency of summary reports depends upon the state of the allocation for the fishery involved; the frequency may start as bi-weekly, go to weekly, and then every 2-3 days when the remaining allocation is small (the normal season is 10-12 weeks, producing an average of 9 summary reports per permit). In other cases where only individual vessels are involved, only a summary report is submitted at the end of the fishing trip covered by the permit.

Data reports from individual vessels operating under an EFP generally are minimal. Data reports may include fish species, amounts, disposition (retained or discarded), and area or time of catch to monitor catch levels and to determine if a particular regulation is effective or should be changed. This kind of information already is maintained by a vessel during its regular course of business (with the possible exception of discard data), so additional information gathered under the EFP generally is a minor supplement to information that already is maintained. In the cases for permits for compensation fishing, the vessel owner or operator may be required to keep and submit separate records of compensation fishing.

A final type of reporting being proposed is a call-in requirement prior to trips to allow NMFS to deploy at-sea samplers on the trip.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for the decision for adopting this means of collection; describe any consideration of the use of improved technology to reduce the burden on the public. No improved information technology has been identified as a practical means for reducing the burden on the public. Optical character reader (OCR) technology has been investigated but average response time estimates are not significantly different, whereas the cost for hardware and forms development for the small volume of EFP permits make the technology cost inefficient. However, use of such systems are not precluded.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information, and show specifically why any similar information already available cannot be used or modified for use for the purposes) described in 2. The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the

findings are made part of each FMP. Each Fishery Management Council membership is composed of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NMFS is confident it is aware of similar collections if they exist.

Cooperative enforcement agreements result in states revoking permits for violations of Federal laws, and the state applications provide the information needed. An experimental permit is necessary since it grants special permission to conduct fishing operations that otherwise would be prohibited.

5. If the collection of information will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize burden on these entities.

Since almost all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the permit objectives are requested from all applicants.

6. Describe the consequences to Federal program or policy activities if the collection would not be conducted or would be conducted less frequently. Annual permit renewal is the standard for accomplishing the objectives of permit programs. Because an EFP authorizes activities that otherwise would be illegal, close monitoring and annual review and renewal assure that the experiment is appropriate and designed to achieve its purpose. A longer permit period could allow prohibited activities to take place beyond the time needed to evaluate the experiment. However, in special cases permits can be renewed for longer periods.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. Summary and call-in reports may be required more often than quarterly. The frequency is necessary in summary reports to keep track of the catch versus the allocation, and in the case of call-in trip notifications the need is to know when vessels are leaving so samplers may be assigned.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions, the amount of burden to be imposed and ways to minimize the burden. As described in response four, consultation with the potential applicants is assured by the FMP regulatory process. There are no major problems that have not been resolved. In addition, a Federal Register Notice solicited public comment on this renewal; no comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. In some limited cases, the vessel owner/operator may be authorized to receive fish in excess of normal limits, or receive compensation for, fish used for scientific or experimental purposes under an exempted fishing permit.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. Permit applications are considered to be submitted in an entrepreneurial capacity and are thus exempt from Privacy Act concerns. However, all data submitted are treated in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. An EFP may contain provisions for public release of data obtained while fishing under the EFP.

11. Collection of information of a sensitive nature. No questions of a sensitive nature are asked.

12. Estimates of annualized costs to respondents. Provide an estimate in hours of the burden of the collection of information. (If this submission is a revision to an approved collection, and describes only the revised requirements, this answer should just reflect the new burden for that requirement and how much this is increased/decreased from the previous burden (if any) for the requirement. (See Table D) It is estimated that 67 respondents will spend 355 hours responding to this collection. This is an increase of 58 respondents and an increase of 265 hours over the current collection.

12.a. Provide the number of respondents expected annually, the frequency of their response, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection.

The number of respondents and annual responses are divide into four categories. (1) 9 individuals or organizations are each expected to complete and submit one exempted fishing permit applications annually for issuance of permits for about 58 vessels per year. The application process is estimated to take 60 minutes per application for a total of 9 burden hours per year. (2) 9 summary reports are expected to be submitted by each of the 9 applicants. At one hour per report, the estimated annual burden is 81 hours per year. (3) Data reports (See Table D) are expected to be submitted after each of 1591 landings, at an estimated 10 minutes per landing for a total of 265 burden hours per year. (4) Trip notification call-ins are estimated to affect 200 trips per year at an estimated 2 minutes per call for a total of 7 hours per year. This collection is expected to affect approximately 67 respondents and require less than 362 hours annually.

12.b. Provide estimates of annualized cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories (not including paying outside parties for collecting the information, which would be included in item 14).

See Table A.1.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

13.a. Total capital and start-up costs: None

13.b. Total operations, maintenance, and purchases of services: See Table A.1.

Table A.1.

item #		
14.	Application fee	\$0
12.b.	Initial preparation: 9 hours @ \$24/hr salary	\$216
	Summary report preparation - 81 hours @ \$24/hr salary	\$1944
	Data report preparation - 265 hours @ \$24/hr salary	\$6360
13.b.	Mailing cost: \$0.33 x (9 applications + 58 submissions of signed permits)	\$22
	Call-in notifications: 200 x \$.50 a call	\$100
	TOTAL COST TO VESSEL OWNERS	\$8642

14. Estimates of annualized cost to NMFS: The cost to NMFS is incurred through the processing and issuance of experimental fishing permits. Potential cost to the government is estimated at about \$870 annually.

note: 58 responses x 1 hr/permit x \$15.00/hr salary = \$870
(based on one GS-7 employee at \$31,200/yr = \$15.00/hr)

15. Explain reasons for changes in burden. EFP fishing can vary considerably. The increased burden to respondents reflects an increase in the number of data reports vessels provide to the applicants and to new call-in requirements. This information is needed so the applicants can effectively monitor the permitted activities. In addition, increases to both respondent and NMFS costs reflect wages increases since 1997.

16. Collections of information planned to be published for statistical use. Results for this collection are not planned for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain why the display is inappropriate. Not applicable.

18. Explain each exception to the certification statement identified in item 19 of the OMB 83-I. Not applicable.

B. LIMITED ENTRY PERMITS.

This statement supports renewal of the "collection of information" authorized by Amendments 4 and 6 to the FMP. Amendment 6, which implemented a limited entry program, was approved on September 4, 1992 and was implemented by the Secretary of Commerce under the Magnuson-Stevens Act. Amendment 9, which was approved on June 27, 1997, adds a sablefish endorsement requirement to the limited entry permit, limiting participation in the fixed gear sablefish fishery to specific qualifying vessels. The information collection takes the form of a federal fisheries permit program for those vessel owners who are expected to qualify for limited entry (and sablefish endorsements) in the Pacific groundfish fishery.

The WOC Pacific groundfish fishery initial federal limited entry permit program requirements and the 1997 revisions are described below in items (1)-(5):

- (1) During the initial application and issuance process, vessel owners are required to complete an application for a federal permit and submit proof of their landings and evidence relevant to meeting the permit qualification criteria. This was a one time submission.
- (2) After the initial issuance of a permit, whenever a permit is transferred to a different vessel or to a different vessel owner, the permit holder and, in the case of a transfer to a new holder, the new holder would be required to complete an application to transfer the permit. Beginning in 1997, sablefish endorsements (see #5) were attached to existing permits, and endorsement transfers were automatically part of a permit transfer.
- (3) All permits must be renewed annually. Since 1997, permittees have had options when limited entry permits are renewed: (a) trawl vessels are able to choose the periods of time to which their cumulative trip limits will apply (called "platooning"); and (b) catcher/processor vessels with a limited entry permit may decide to operate the entire year as a mothership instead (which means the vessel will only process fish, but will not harvest them). As part of the annual renewal process, applicants are asked to indicate their intent to harvest certain underutilized species (Pacific whiting and shortbelly rockfish). Sablefish endorsements (see #5) are attached to specific permits, and endorsement renewals are automatically part of the permit renewal.
- (4) Vessels not initially receiving a limited entry permit may choose to submit an application for a "designated species B" permit. Such permits are issued annually, and only when the limited entry fleet is unable to take the entire harvest guideline for designated underutilized species.
- (5) Provisions for a sablefish endorsement on a limited entry permit were added in 1997. The endorsement, which is required to participate in the fixed gear, limited entry primary fishery, is based on historical participation, and is intended to restrict further expansion of effort into this fishery. (Vessels with limited entry permits, but without a history of fishing for this species have entered this fishery, intensifying effort on an already fully utilized species, complicating management, and resulting in shorter, more competitive, and less safe fishing seasons. The endorsement is intended to curtail further effort shifts into the fixed gear sablefish fishery). If a permit holder did not receive an endorsement, they had an opportunity to challenge that decision by submitting state fish ticket data or other records to support their claim of qualification. This appeals process for a sablefish endorsement was a one-time collection, that has been completed.

This renewal statement involves items 2 (permit transfer), 3 (permit renewal), 4 (designated species B permit applications), and (5) sablefish endorsement. Item 1 (the initial application for permits) was a one-time collection that was completed in 1993.

An appeals process is possible for denial of transfer and renewal and designated species B permits, they are expected to be minimal and are assumed to be within the burden estimated for those items. An appeal must be in writing and must explain how the requirements for transfer, renewal, or issuance of a permit have been met, or why a hardship exception should be granted (50 CFR 660.340).

Regulations implementing the information collection are necessary to provide adequate information on which to base the issuance, transfer and renewal of permits (and endorsements) to participate in the limited entry fishery Pacific coast groundfish. A copy of the regulations implementing the information collection for the limited entry fishery, and the appeals process are attached to the supporting statement.

The following paragraphs respond to questions that must be addressed according to the Paperwork Reduction Act.

1. Explain the circumstances that make the collection of information necessary. Amendment 6 to the FMP directly addresses the issue of increasing amounts of excess fleet harvesting capacity by instituting a limited entry program based on the issuance of federal permits to control the overall fleet harvest capacity of the three major gear types (trawl, longline, and fish pot) that account for the majority of the Pacific coast groundfish harvest. Amendment 6 is intended to control the capacity of the groundfish fishing fleet in three main ways: (1) limiting the overall number of vessels; (2) limiting the number of vessels using each of the three major gear types; and, (3) limiting increases in vessel harvest capacity by limiting vessel length.

Beginning January 1, 1994, Amendment 6 required a federal permit to participate in the limited entry segment of the fishery. Permits are endorsed for one or more of three gear types (trawl, longline, and fish pot), with four possible types of endorsement for each gear type. Vessels meeting specific minimum landing requirements received transferable "A" endorsements. Temporary permits valid for a single year may be issued with "designated species B" endorsements to allow vessels to harvest underutilized species if the vessels with permanent limited entry permits do not intend to harvest the entire allowable catch.

PERMIT TRANSFERS. Information on the transfer of permits to different vessels or vessel owners is necessary to accurately track permit ownership, verify compliance with regulations, and address notices of annual fees to the proper individuals. The same form is used to request replacement of a lost permit. The following information is required for all permit transfers:

1. Federal permit number and vessel name;
2. Name, business address and telephone number, title (if corporate officer), of the previous new holder;
3. In the case of transfer of the permit to a new vessel, the vessel name and identification number of both the old and the new vessel, and the new vessel's length overall.
4. Signature and date.

The applicant for a transfer is also asked to notarize his/her signature and provide evidence of authority to authorize a transfer, such as a: corporate resolution, contract for sale or lease, court order relative to a

divorce decree, litigation, settlement of an estate, U.S. Coast Guard Report of Marine Accident, Injury or Death (CG-2692), or affidavit of lost permit.

ANNUAL PERMIT RENEWAL. Annual permit renewal requires the collection of little if any additional information. Vessel owners are supplied with the information currently contained in NMFS records with a request to update any information, if necessary. The vessel owner returns the application for annual renewal with the appropriate renewal fee to NMFS. In addition, each vessel owner would be requested to state their intent, if any, to harvest underutilized species. The survey would request information regarding the amount of underutilized species which they have committed to delivering for domestic processing, or in the event that domestic processing is inadequate to take the entire harvest guideline or quota, for processing by foreign vessels in joint venture arrangements.

Platooning provisions were added to the permit renewal process in 1997. (1) Trawl vessels are able to choose whether they take their cumulative trip limits from the first to the end of the month ("A" platoon), or out of phase by two weeks, from the 16th to the 15th of the month ("B" platoon). This is intended to provide for a smoother flow of product to processors and to accommodate other fishing opportunities. The amount of fish taken is the same whether in the "A" or "B" platoon. Vessels are assumed to be in the "A" platoon unless a box for the "B" platoon is checked off on the permit renewal. (2) Mothership operations. Catcher/processors in the whiting fishery may choose to operate instead as a motherships, which means the vessel will only process but not fish for the calendar year. This choice, requested by at-sea processing vessels, also involves simply checking a box on the limited entry permit renewal. A one-time mailing cost for submitting the fee for vessels that accepted the sablefish endorsement occurred in 1997, since then mailings have been combined with normal limited entry permit renewal.

The estimated time to complete the annual renewal and survey process is no more than 20 minutes once a year. The information from the survey would be used to determine whether harvesting intent of the limited entry fleet is sufficient to meet processor needs for potentially underutilized species, or whether additional "designated species B" endorsements should be issued. Vessel owners not intending to harvest underutilized species would not need to complete the survey.

"DESIGNATED SPECIES B" PERMIT APPLICATIONS. Information on the "designated species B" permit application is necessary to accurately track permit ownership and verify compliance with regulations. To determine the applicant's seniority in the fishery, information is needed for the current vessel, or a lost vessel that previously harvested the underutilized species. The following information is required:

1. Applicant's name, address, phone number, statement of eligibility, signature, title, date.
2. Vessel name and identification number (of the current and lost vessel, if any).
3. Underutilized species, gear type requested, and whether the fish would be offloaded to a domestic or foreign processor.
4. Number of years the vessel (or lost vessel) fished for the designated species.

The applicant may be asked to provide evidence of ownership and, in the case of a lost vessel, a U.S. Coast Guard Report of Marine Accident, Injury or Death (CG-2692). The estimated time to complete this application is no more than 20 minutes.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used and the consequence to Federal program or policy activities if the collection of information is not conducted. The information collected is to be used by the Sustainable Fisheries Division, Northwest Region, National Marine Fisheries Service for the purpose of determining those fishermen eligible for limited entry permits and endorsements, issuing, transferring and renewing permits, maintaining an official record of vessel, vessel owner, and permit histories, and administering the limited entry program. Limited entry permits will provide an additional tool for the enforcement of fishery management regulations through the use of permit sanctions.

In order to further limit harvesting capacity in the Pacific groundfish fishery, the Council is considering phasing in a system of individual transferable quotas (ITQ) for some species and gear types. The information collected to support the implementation and administration of the license limited entry program will undoubtedly form the basis for any ITQ program that is subsequently developed.

If the information requested cannot be collected, NMFS would have no basis upon which to base decisions regarding permit issuance and would be unable to administer the license limited entry program in the manner recommended by the Council. Designated species B permits are necessary to assure full domestic utilization of the resource, which is a goal of the Magnuson-Stevens Act. Platooning and mothership options were requested by the industry to facilitate their operations, and will be accommodated by simply checking a box on annual permit renewals.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for the decision for adopting this means of collection; describe any consideration of the use of improved technology to reduce the burden on the public. The permit application forms and instructions have been condensed as much as possible to alleviate public burden while still obtaining the information needed to administer the program. A copy of the Transfer application form can be obtained from the Region's Web site. The other permit applications are all renewals, and NMFS sends renewal forms pre-completed with current information. Since only corrections and signatures are needed, this is less burdensome than an automated system for use by applicants.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information, and show specifically why any similar information already available cannot be used or modified for use for the purposes) described in 2. This information collection is unique to the implementation and administration of a license limited entry program in the Pacific groundfish fishery.

Information on catch by individual vessels is collected by the three west coast states and provided to NMFS through the PACFIN data system. This information will provide a useful and efficient data base to verify catch records submitted by individual fishermen. This information database, however, is limited in its application because information on vessel ownership is not available.

5. If the collection of information will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize burden on these entities. Because Pacific groundfish fishermen are considered to be small businesses, this collection of information will involve small businesses. The burden will be the same for all businesses, regardless of size, and has been minimized to collect only that information essential to determining eligibility for a limited entry permit and/or sablefish endorsement.

6. Describe the consequences to Federal program or policy activities if the collection would not be conducted or would be conducted less frequently. Permit transfers are unpredictable and occur only at the request of a vessel owner who desires a transfer. Annual renewal is necessary to maintain current information on all active participants in the fishery for enforcement and fishery management purposes. The need for designated species B permits is linked to the annual renewals and needs of the limited entry fleet. Less frequent collection of this information would result in inaccurate and untimely information on participation in the fishery. This would make NMFS enforcement and management programs less effective.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. None.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions, the amount of burden to be imposed and ways to minimize the burden. The proposal for the limited entry program and the associated information needs was developed by the Council in close coordination with the fishing industry, NMFS, and the States of Washington, Oregon, and California. The NMFS Northwest Region consulted with the Southeast Region, which has experience with federal permit systems. Public comment was received during the Council meetings during which limited entry system (including the issuance, combination, renewal, transfer, and appeal of permits and endorsements) was developed. Additional public comment periods followed publication of the proposed rules in the Federal Register. Finally, a Federal Register Notice solicited public comment on this submission; no comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. Because the permit application and endorsement information are from commercial operations, the privacy act does not apply. The information collected to qualify a vessel for a permit or endorsement, or submitted in response to the underutilized species survey, is confidential under Section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under NMFS Operations Manual entitled "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service." Information on permit issuance and ownership (including vessel length overall and official identification number) is made public to facilitate leasing and sales of permits.

11. Collection of information of a sensitive nature. The proposed permit applications do not require information of a sensitive nature.

12. Estimates of annualized costs to respondents. Provide an estimate in hours of the burden of the collection of information. (If this submission is a revision to an approved collection, and describes only the revised requirements, this answer should just reflect the new burden for that requirement and how much this is increased/decreased from the previous burden (if any) for the requirement. (See Table D) It is estimated that 712 respondents will spend 237 hours responding to this collection. This is a decrease of 280 respondents and 197 hours over the current collection.

12.a. Provide the number of respondents expected annually, the frequency of their response, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection. Table D addresses the burden associated with the limited entry program. Limited entry permits and gear endorsements are renewed annually. NMFS does not require vessel owners who receive annual permits to resubmit a new permit application for the upcoming year. Rather, NMFS sends the owner a permit renewal application with a copy of the current permit, and requests only updated changes to the information.

Applications to change vessel registration and/or transfer ownership may be intermittent due to the restricted number of permitted vessels in the limited entry program.

12.b. Provide estimates of annualized cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories (not including paying outside parties for collecting the information, which would be included in item 14). The costs in completing and submitting permit applications for change of registration, transfer of ownership, replacement and renewal of a permit, or applying for a designated species B permit is approximately 20 minutes per application. See Table B.1.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

13.a. Total capital and start-up costs: none

13.b. Total operations, maintenance, and purchases of services: Mailing costs of \$0.33 per permit or \$235 for all respondents are expected: \$166 for renewals, \$66 for transfers, and \$3 for species B permit application. See Table B-1.

Table B-1.

14	Renewal: Processing fee of \$47.20 x 502 permits	\$23,694
12.b.	Preparation: 167 hrs x \$24/hr salary	\$4008
13.b.	Mail: \$0.33 x 502 permits	\$166
14	<u>Transfer/Registration/Replacement:</u> Processing fee: \$0 x 200 permits	\$0
13.b.	Vessel documentation (CG-1270): \$2 x 200 permits	\$400
13.b	Notary: \$2 x 200 permits	\$400
12.b.	Preparation: 67 hrs x \$24/hr salary	\$1608
13.b.	Mail: \$0.33 x 200 permits	\$66
14.	<u>Designated Species B Permit Application:</u> Processing fee: \$45 x 10 applications	\$450
12.b.	Preparation: 3 hrs x \$24/hr salary	\$72
13.b.	Mail: \$0.33 x 10	\$3
	TOTAL COST TO VESSEL OWNERS	\$30,867

14. Estimates of annualized cost to NMFS. The cost to NMFS is incurred through the processing and issuance of limited entry permit transfers and renewals. Estimated annual costs for processing limited entry permits are \$24,144 (determined by summing the processing fees above). The cost is reimbursed by the permit processing fee paid by the vessel owners. The sablefish endorsement was a one-time burden which has been completed, reducing the burden for the Northwest Region.

15. Explain reasons for changes in burden. There is a 124 hour program change reduction in burden hours results from the one-time only appeal process for sablefish endorsements being completed. There has also been a reduction in the number of limited entry permits since 1997, resulting in a 73 hour reduction that is an adjustment. Changes in the cost to permittees also reflects wage increases since 1997.

16. Collections of information planned to be published for statistical use. Results for this collection are not planned for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain why the display is inappropriate. Not applicable.

18. Explain each exception to the certification statement identified in item 19 of the OMB 83-I. Not applicable.

C. PERMITS FOR PROCESSING VESSELS OVER 125'

On December 1, 1992, a new data collection was approved for a proposed rule that would have implemented a comprehensive federal fisheries data collection program including federal permit and recordkeeping and reporting requirements for fish processing vessels over 125' in length and harvesting vessels that deliver to them off WOC. The final rule has not been implemented largely due to shifts in priorities and changes in the fishery. Nonetheless, the rule may be finalized in the next year and therefore the information collection budget will be maintained.

The information collection for the proposed rule had six parts. Five dealt with logbook or data reports submitted to NMFS to monitor the fishery. The sixth required all owners/operators of processing vessels larger than 125' in length, and harvesting vessels that deliver groundfish to them, to obtain a federal fisheries permit to process or deliver groundfish in the WOC fishing area. At the time the proposed rule was written, 35 vessels were estimated to be affected by this permit requirement. These vessels included catcher/processors, motherships (processing vessels that do not fish), and catcher boats delivering to motherships. However, a limited entry program was implemented on January 1, 1994 which established a permit system for fishing vessels (both catcher/processors and catcher vessels delivering to motherships). Therefore, the initial request for catcher/processor and catcher boat permits is no longer necessary. However, a permit still is needed for mothership processing vessels over 125', which are not governed under the limited entry program.

On May 20, 1997 (62 FR 27519) a regulation was implemented that provided owners of catcher/processors the option to operate as a mothership in a given year. This choice involves only checking a box on the renewal form of its limited entry permit, and so is covered in Part B of this supporting statement, and will result in no change in costs or burden hours.

1. Explain the circumstances that make the collection of information necessary. Regulations implementing the information collection are necessary to provide adequate information on which to base both inseason and between-season management decisions affecting the Pacific groundfish resource, particularly Pacific whiting. It is essential to know the number of vessels operating for deployment of fishery observers, enforcement monitoring, and data collection. A copy of the proposed regulations implementing the information collection is attached to the supporting statement.

2. Explain how, by whom, how frequently, and for what purpose the information is to be used. Motherships would be required to apply for and receive a federal permit as a condition of processing groundfish in the WOC fishery management area. Basic to any data collection program is the necessity for federal managers to know from whom they need to collect data. By requiring a permit, NMFS will be able to identify those vessels which require fishery observers, will be able to deliver and collect the appropriate logbook and reporting instructions, and will know from whom to expect start and stop messages and weekly production reports. In the absence of a federal permit requirement, NMFS would be unable to determine those vessels that intended to process in the area which would make enforcement of the data collection program almost impossible.

Also an important element in enforcing federal regulations is the government's ability to place restrictions or sanctions, including revocation if necessary, on permit holders in the event of non-compliance with the regulations. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the vessel from the fishery altogether. Fines for fishing without a permit are more substantial and easier to enforce than fines for other violations.

Vessels may be willing to pay the lower fines if the violation brings enough economic benefit, but do not want to be excluded from the fishery.

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognized the need for permit issuance. Almost every international, federal, state, and local fishery management authority recognizes the value of including permits as part of their management systems.

The information requested on the permit application form is used by several offices of NMFS and the U.S. Coast Guard and state fishery enforcement agencies who coordinate enforcement activities with NMFS. Summaries of all permittee information are used by NMFS, the Council, and fishery organizations.

Information such as name and address of the owner is used to identify the applicant and the legal ownership of the vessel being permitted. This latter requirement is essential in the use of permit sanctions as a fisheries enforcement tool. For example, violations of catch regulations may result in suspension of a permit. Since many vessels may be owned by corporations, identification of ownership on the application form allows NOAA to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. Telephone numbers are required to assist NMFS in processing the application by allowing questions to be resolved more quickly and cheaply than by correspondence.

Information on the vessel is need for identification of the participants at sea for boardings and inspections by NMFS enforcement vessels or overflights. Physical vessel characteristics such as length, net tonnage and hull color are used to aid in the visual identification of each craft. This information facilitates the U.S. Coast Guard and NMFS Enforcement in tracking the vessels at sea, and assists NMFS in its national security role for the Federal Emergency Planning Administration.

Owner/applicant signatures are required as legally binding actions which ensure eligibility to receive a permit under the other FMP regulations. False statements without the signature of the applicant would be much harder to prosecute.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for the decision for adopting this means of collection; describe any consideration of the use of improved technology to reduce the burden on the public. The Northwest Region will receive permit applications by fax or mail, and the information will be manually entered into the Northwest Regional database.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information, and show specifically why any similar information already available cannot be used or modified for use for the purposes) described in 2. As stated in the introductory paragraphs, the requirement to have a federal permit to operate in the Pacific coast groundfish fishery already has been accomplished for fishing vessels under the limited entry program. Therefore, there is no reason to require a duplicate permit for catcher/processors over 125' or for catcher vessels that deliver to motherships. The only vessel category that is not currently covered is mothership processors, and the requirement for them to obtain a permit is maintained under this information collection.

Since at-sea processors often do not offload their product on shore, there is no state permit that would identify motherships operating at sea. A federal permit is the only means of obtaining this information.

5. If the collection of information will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize burden on these entities. The maximum 17 vessels which will be applicants are not considered small businesses (The Small Business Administration defines a small business in the commercial fishing activity as a firm with receipts up to \$2 million annually). The class of vessel that will be affected by this action, on average, grossed about \$33 million in revenue in 1991. The 20 minute application/renewal is of little burden to the vessel owners. Only the minimum data to meet the permit objectives are requested from all applicants.
6. Describe the consequences to Federal program or policy activities if the collection would not be conducted or would be conducted less frequently. Annual permit renewal is the standard for accomplishing the objectives of permit programs. Since changes occur in the vessel's name, owner, purpose, gear type and physical characteristics (color, length and net tonnage) it is critical that all of the fishery agencies utilizing this data are kept current. Annual renewal is consistent with requirements for renewal of fishing vessels under the limited entry program.
7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. None.
8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions, the amount of burden to be imposed and ways to minimize the burden. Consultation with the state fisheries officials has confirmed the need for a Federal Fisheries Permit for WOC groundfish. No comments were received relevant to this subject during the comment period to the proposed rule, and no objections were raised during the Council meetings at which these permits were discussed. There are no known major problems that have not been resolved. A Federal Register Notice also submitted public comment on this submission; no comments were received.
9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. Not applicable.
10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. Because the information collected is from commercial operations, the Privacy Act does not apply. The information collected is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. These procedures have been implemented under NMFS Operations Manual entitled "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service." However, issuance of a permit (vessel name, permit number, and ownership) is not confidential.
11. Collection of information of a sensitive nature. The proposed recordkeeping and reporting requirements do not require information of a sensitive nature.
12. Estimates of annualized costs to respondents. Provide an estimate in hours of the burden of the collection of information. (If this submission is a revision to an approved collection, and describes only the revised requirements, this answer should just reflect the new burden for that requirement and how much this is increased/decreased from the previous burden (if any) for the requirement. The burden for the Northwest Region is unchanged, and appears in Table D.

12.a. Provide the number of respondents expected annually, the frequency of their response, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection. Permits are issued annually. NMFS does not require vessel owners/operators who receive annual permits to resubmit a new permit application for the upcoming year. Rather, NMFS sends the owner a copy of their previous application and requests that only updated changes to the information already recorded on the application be submitted to NMFS. See Table D.

12.b. Provide estimates of annualized cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories (not including paying outside parties for collecting the information, which would be included in item 14). The costs in completing and submitting permit applications or renewals is approximately 20 minutes per application. Table D addresses the burden associated with applying for or renewing permits for mothership vessels. See also Table C.1.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

13.a. Total capital and start-up costs: none

13.b. Total operations, maintenance, and purchases of services: See Table C.1.

Table C.1.

14.	Permit fee	\$ 0
12.b.	Preparation: 6 hours at \$24/hr salary	\$144
13.b.	Mailing cost: \$0.33 x 17 permits	\$6
	TOTAL COST TO VESSEL OWNERS	\$150

14. Estimates of annualized cost to NMFS: Additional administrative costs associated with the creation and maintenance of a permit database would be incurred by NMFS. These costs would be minor since this permit could easily be incorporated into the system set up for limited entry permits. The cost to NMFS is incurred through the processing and issuance of mothership permit applications and renewals. Cost to the government is estimated at \$255 annually.

note: \$15/hr x 17 permits x 1 hr/permit = \$255

(assumes one GS-7 at \$31,200/yr working one hr per permit at \$15.00/hr)

15. Explain reasons for changes in burden. The only change reflects federal wage increases.

16. Collections of information planned to be published for statistical use. Results for this collection are not planned for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain why the display is inappropriate. Not applicable.

18. Explain each exception to the certification statement identified in item 19 of the OMB 83-I. Not applicable.

Table D. Annual Burden Hours -- Renewal of OMB # 0648-0203

Permit Type	Number of Respondents	Frequency of Responses	Total no. responses per year	Average time per response	Total Time (hrs)
A. EXPERIMENTAL FISHERY					
Initial	9	1	9	60 min	9
Summary report	9	9	81	1 hour	81
Data report	58	variable	1591	10 min	265
Call-in notifications	-	variable	200	2 min	7
New Sub-Total: EFP	67*	variable	1881		362
Previous Total	9	variable	171	32 min	90
Change	+58	0	+1710	-19	+272
B. LIMITED ENTRY					
Renewal	502	1	502	20 min	167
Transfer	200 ±	1	200+	20 min	67
Desig. Species B	10	1	10	20 min	3
Sablefish endorsement appeal (one-time only)	0	0	0	0	0
New Sub-Total: Ltd. Entry	712	variable	712	20 min	237
Previous total	992	variable	992	26 min ***	434
Change	-280		-280	-6	-197
C. AT-SEA PROCESSORS	17	1	17	20 min	6
Previous Total	17	1	17	20 min	6
Change	0	0	0	0	0
D. NEW TOTAL	796	variable	2610	variable	605
Previous total	1018	variable	1180	variable	530
Overall Change	-222		+1430		+75

* Same 9 respondents make initial application and submit summary report, 58 permits are issues to vessels that provide data reports for each landing.

Table E. Estimated Annual Cost Burden

#in state- ment	Item	Table	Activity	Cost
13.a.	Annualized startup costs	--	--	\$0
13.b.	Operations and management			
"	EFPs	A-1	mailing and phone	\$122
"	Ltd Entry - renewal	B-1	mailing	\$166
"	Ltd entry and Species B Permit fees	B-1	fees	\$24,414
"	Ltd Entry - transfer, renewal etc.	B-1	notary, vessel documentation and mailing	\$866
"	Desig. Sp. B Permit App.	B-1	mailing	\$3
"	Mothership permit	C-1	"	\$6
"	New TOTAL 13.b.			\$25,577

NORTHWEST REGION - FISHERIES PERMITS OFFICE
**PERMIT TRANSFER/REGISTRATION, CHANGE OF ADDRESS,
OR REPLACEMENT OF LOST PERMITS**

PACIFIC COAST GROUND FISH FISHERY

****** PLEASE NOTE ATTACHED INSTRUCTIONS ******

Permit: GF -

Vessel: F/V -

ACTION DESIRED (check all that apply):

☐ **PERMIT OWNER/LESSEE TRANSFER AND VESSEL REGISTRATION**
Complete sections 1-4, and 6. Attach current permit.

☐ **PERMIT CHANGE OF ADDRESS**
Complete section 1 or 4.

☐ **REPLACEMENT OF LOST PERMIT**
Complete sections 5 and 6.

Section 1: Current Permit Owner

Owner:

Business Address:

Business Phone:

Signature:
(See Note #1 for Signature Authorization)

Date:

Name (Print):

Title (if corporate officer):

Warning: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

Section 2. New Permit Owner

Owner:

Are you a person eligible to own a documented vessel under the terms
of 46 U.S.C. 12102(a)? (See Note #2.)
☐ Yes ☐ No

Business Address:

Business Phone:

Signature:
(See Note #1 for Signature Authorization)

Date:

Name (Print):

Title (if corporate officer):

Warning: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

Section 3: Vessel	
Current Vessel: F/V	
New Vessel: F/V	USCG Doc. or State Reg. No.:
Length Overall: <input type="checkbox"/> Meters <input type="checkbox"/> Feet	
<p>For the new vessel, submit a certified copy of the U.S. Coast Guard "Certificate of Documentation" (CG-1270) or the registration certificate issued by a state. Also submit a marine survey documenting vessel length overall (LOA). The survey must be conducted by a certified marine surveyor according to the USCG method of determining LOA. Note: In order to register a permit for use with a given vessel, the vessel owner must be listed as either the permit owner or the permit lessee.</p>	

Warning: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

Section 4 : New Permit Lessee	
Lessee:	
Are you a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a)? (See Note #2.) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Business Address:	
Business Phone:	
Signature: (See Note #1 for Signature Authorization)	Date:
Name (Print):	
Title (if corporate officer):	

Warning: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

Section 5: Replacement of Lost Permit	
Owner:	
Business Address:	
Business Phone:	
Affidavit Of Lost Permit: I state that permit number GF-_____ is absolutely and irretrievably lost as of this date. (Attach a statement explaining circumstances of loss and attempts to recover the lost permit.)	
Signature: _____ (See Note #1 for Signature Authorization)	Date: _____
Name (Print):	
Title (if corporate officer):	

Warning: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

Section 6: Notary Statement

Note: Required only for signature of current permit owner signing in Section 1 or 5.

State of _____

County of _____

I hereby certify that I know or have satisfactory evidence that

signed this document and
acknowledged it to be (his) (her) (their) free and voluntary act for
the uses and purposes mentioned in the instrument.

Date: _____, 19____.

Notary signature

SEAL Notary Public in and for the State of _____

Residing at _____

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for the permit application process is estimated to average 20 minutes per applicant, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Northwest Region, NMFS, Fisheries Management Division, 7600 Sand Point Way N.E., Seattle, Washington 98115.

This data collection is required to obtain or retain a benefit (the transfer, registration, change of address, or replacement of a limited entry permit) as stated at 50 CFR 660.333. Information on permit issuance and ownership (including vessel length overall and official identification number) is made public to facilitate leasing and sales of permits.

INSTRUCTIONS

When completed, return this application along with the required (if any) supporting documentation to: Northwest Region NMFS, Fisheries Permits Office, 7600 Sand Point Way NE, Seattle, WA 98115.

ACTION DESIRED - Enter your permit number and check the appropriate box for action desired. Complete sections and attach supporting documentation as indicated. If multiple permits are being combined to increase the size endorsement for a given permit, a transfer application must be completed for each permit.

SECTION 1 - Current Permit Owner: Individual or business name of permit owner as listed on the current permit.

SECTION 2 - New Permit Owner: Individual or business name of permit owner to be listed on the new permit. (See Note #2 for persons eligible to own documented vessels.)

SECTION 3 - Vessel: Enter both the name of vessel listed on the current permit and the name of the vessel to be listed on the new permit.

Note: In order to register a permit for use with a given vessel, the vessel owner must be listed as either the permit owner or the permit lessee.

SECTION 4 - Permit Lessee Name: Individual or business name of permit lessee (if any) to be listed on the new permit. (See Note #2 for persons eligible to own documented vessels.)

NOTES:

1. Signature Authorization - Persons who are signing on behalf of an organization, or another party, need to submit evidence of authority to sign such as: a notarized power of attorney, corporate resolutions, certified court documents relative to divorce decrees and judgements or appointments as executor, etc. If the permit is owned by co-owners, both owners need to sign.

2. Persons Eligible to Own a Documented Vessel - are:

- an individual who is a citizen of the United States;
- an association, trust, joint venture, or other entity -
 - (A) all of whose members are citizens of the United States; and
 - (B) that is capable of holding title to a vessel under the laws of the United States or of a State;
- a partnership whose general partners are citizens of the United States, and the controlling interest in the partnership is owned by citizens of the United States;
- a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;
- the United States Government;
- the government of a State;
- an alien lawfully admitted to the United States for permanent residence who operates a fishing vessel in waters subject to the jurisdiction of the United States off the coast of the State of California.

NORTHWEST REGION - FISHERIES PERMITS OFFICE

**SURVEY: INTENT TO HARVEST UNDERUTILIZED
SPECIES
PACIFIC COAST GROUND FISH FISHERY**

Permit: GF -

Vessel: F/V -

This survey requests information regarding your intent, if any, to harvest underutilized species for which you have a contract or agreement with a specific domestic processor, or foreign vessel in a joint venture arrangement. The information will be used to determine whether to issue "designated species B" endorsements, which vessels among the applicants will receive endorsements, and the overall catch limit for all vessels receiving endorsements.

**Please return completed form to Northwest Region NMFS, Fisheries Permits Office, 7600 Sand Point Way
NE, Seattle, WA 98115**

Permit Holders with "A" endorsements must return this form by November 30, 1998.

Complete the following chart: (INPFC Areas are listed on back)

SPECIES	METRIC TONS	INPFC AREA(S)	RECIPIENT OF FISH: List processor name, nationality (if foreign), and location (if shore plant).
Pacific whiting			
Shortbelly rockfish			

Permit Holder or Applicant:

Signature:

Date:

Name (Print):

Title (if corporate officer):

Warning: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

INPFC AREAS: Excerpted from 50 CFR §663.5

The fishery management area is divided into subareas for the regulation of groundfish fishing, with the following designations and boundaries:

Vancouver: South of the International Boundary between the United States and Canada to the Southern limit at 47°30' N. lat.

Columbia: From the Northern limit at 47°30' N. lat. to the Southern limit at 43°00' N. lat.

Eureka: From the Northern limit at 43°00' N. lat. to the Southern limit at 40°30' N. lat.

Monterey: From the Northern limit at 40°30' N. lat. to the Southern limit: 36°00' N. lat.

Conception: From the Northern limit at 36°00' N. lat. to the Southern limit at the United States-Mexico International Boundary.

DEFINITIONS:

PERMIT HOLDER or APPLICANT: Individual or corporate name of current permit owner or lessee, or vessel owner applying for "Designated Species B" permit.

"DESIGNATED SPECIES B"

PERMIT APPLICATION INSTRUCTIONS

Beginning January 1, 1994, owners of vessels without limited entry permits will be required to have "designated species B" gear endorsements in order to use limited entry gear (trawl, longline, or trap or pot) to harvest Pacific whiting or shortbelly rockfish. "Designated species B" endorsements will only be issued if persons with limited entry permits have insufficient commitments for delivery to domestic processors to take the harvest guideline or quota for the designated species. "Designated species B" endorsements will be issued based on vessel seniority (number of years the vessel has fished for the designated species). Specific requirements are stated in 50 CFR Part 660, Subpart G.

Note: - One "Designated Species B" application must be submitted for each qualifying vessel on or before November 1 of each year.

DEFINITIONS:

OWNER'S NAME: Individual or corporate name of vessel owner, as shown on the certificate of documentation or state registration certificate.

PERSONS ELIGIBLE TO OWN A DOCUMENTED VESSEL - are:

- an individual who is a citizen of the United States;
- an association, trust, joint venture, or other entity -
 - (A) all of whose members are citizens of the United States; and
 - (B) that is capable of holding title to a vessel under the laws of the United States or of a State;
- a partnership whose general partners are citizens of the United States, and the controlling interest in the partnership is owned by citizens of the United States;
- a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;
 - the United States Government; or
 - the government of a State; or
 - an alien lawfully admitted to the United States for permanent residence who operates a fishing vessel in waters subject to the jurisdiction of the United States off the coast of the State of California.

VESSEL NAME: Name of vessel seeking a "DESIGNATED SPECIES B" Endorsement.

LOST VESSEL NAME: Name of your vessel that fished for the designated species but was totally lost. Seniority rights may be transferred to another vessel under the same ownership.

ADDITIONAL APPLICATION SUBMISSIONS:

The following additional information must be submitted with your application. All documents submitted with your application will be retained by the National Marine Fisheries Service.

- For your current vessel, a certified copy of the current U.S. Coast Guard "Certificate of Documentation" (CG-1270) or the registration certificate issued by a state. For your lost vessel, a certified copy of the U.S. Coast Guard "General Index or Abstract of Title" CG-1332) or other evidence of past ownership.
- Permits will be issued based on a vessel's seniority in the designated fishery. Evidence of at least one landing per year should be submitted to substantiate the vessel's participation in the fishery (see notes below).
- A completed form - "Survey: Intent to Harvest Underutilized Species."

NOTES:

- Certified copies of your vessel's "Certificate of Documentation" (CG-1270) and the "General Index or Abstract of Title" (CG-1332) may be obtained from your USCG Marine Inspection Office.
- In order to validate historical participation in a designated fishery, a computer search will be made of the PACFIN data base (maintained by the Pacific States Marine Fisheries Commission). Certified copies of state fish receiving tickets should not be needed in most cases. However, if your landings were not made shoreside, but were made at sea under a joint venture or with a factory trawler, you will need to submit evidence of the landings.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for the permit application process is estimated to average 20 minutes per applicant, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Northwest Region, NMFS, Fisheries Management Division, 7600 Sand Point Way N.E., Seattle, Washington 98115.

This data collection is required to obtain a benefit (issuance of a "designated species B permit" to harvest underutilized species) as stated at 50 CFR 660.337. Information on permit issuance and ownership (including vessel length overall and official identification number) may be made public.

NORTHWEST REGION - FISHERIES PERMITS OFFICE
"DESIGNATED SPECIES B" APPLICATION
PACIFIC COAST GROUND FISH FISHERY

Application must be submitted by November 1, along with the required supporting documentation and a check (payable to the U.S. DEPT. of COMMERCE, NOAA) for a non-refundable processing fee of \$45.00 to: Northwest Region NMFS, Fisheries Permits Office, 7600 Sand Point Way NE, Seattle, WA 98115

APPLICANT INFORMATION

Owner's Name:

Are you a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a)? (See definition on next page.)

☐ Yes ☐ No

Address:

Phone (Day):

VESSEL INFORMATION

Vessel Name F/V -

USCG Doc. or State Reg. No.

Lost Vessel Name F/V -

USCG Doc. or State Reg. No.

SPECIFY THE SPECIES AND GEAR TYPES REQUESTED

☐ Pacific ☐ Shortbelly
Whiting^o Rockfish

☐ For Delivery to Domestic Processors
☐ For Delivery to Foreign Processors

☐ Trawl ☐ Longline ☐ Trap (or pot)

☐ Number of years the vessel (or the lost vessel) has fished
for the designated species.

Signature:

Date:

Name (Print):

Title (if corporate officer):

Warning: A false statement on this form or other document submitted in support of this application is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

FEDERAL FISHERIES PERMIT APPLICATION for GROUND FISH FISHERY OFF WA, OR and CA

VESSEL NAME	USCG DOCUMENTATION NUMBER	HOMEPORT

OWNER'S NAME	OWNER'S ADDRESS	OPERATOR(S) and/or LESSEE(S) NAME

OWNER'S TELEPHONE NUMBER	Business:	FAX:

Send Permit to the following address if other than Owner's address:	
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VESSEL DATA		VESSEL PURPOSE (Check one or both)		GEAR TYPE (Check ONLY gears used for groundfish)	
LENGTH IN FEET	feet	HARVESTING		TRAWL	
NET TONNAGE		PROCESSING	x	HOOK AND LINE	
HULL COLOR				POTS	
				OTHER:	

IF SUPPLEMENTAL APPLICATION, CHECK REASON(S):

<input type="checkbox"/>	Change in Vessel Name
<input type="checkbox"/>	Change in Ownership
<input type="checkbox"/>	Change in Vessel Data
<input type="checkbox"/>	Change in Vessel Purpose
<input type="checkbox"/>	Change in Gear Type

Northwest Region - Fisheries Permit Office
National Marine Fisheries Service
7600 Sand Point Way N.E.
BIN C15700, Building 1
Seattle, WA 98115

§§ Pursuant to 16 USC 1801-1882

Applicant's Signature: _____ Date: _____

For Agency Use Only

FEDERAL PERMIT NUMBER	
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Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for the permit application process is estimated to average 20 minutes per applicant, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Northwest Region, NMFS, Fisheries Management Division, 7600 Sand Point Way N.E., Seattle, Washington 98115.

This data collection is required to obtain a benefit (participation as a mothership in the Pacific coast groundfish fishery). Information on permit issuance and ownership (including vessel length overall and official identification number) may be made public.

activity or is outside the scope of the scientific research plan.

(b) *Exempted fishing.*—(1) *General.* A NMFS Regional Administrator or Director may authorize, for limited testing, public display, data collection, exploratory, health and safety, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. Exempted fishing may not be conducted unless authorized by an EFP issued by a Regional Administrator or Director in accordance with the criteria and procedures specified in this section. The Regional Administrator or Director may charge a fee to recover the administrative expenses of issuing an EFP. The amount of the fee will be calculated, at least annually, in accordance with procedures of the NOAA Handbook for determining administrative costs of each special product or service; the fee may not exceed such costs. Persons may contact the appropriate Regional Administrator or Director to find out the applicable fee.

(2) *Application.* An applicant for an EFP shall submit a completed application package to the appropriate Regional Administrator or Director, as soon as practicable and at least 60 days before the desired effective date of the EFP. Submission of an EFP application less than 60 days before the desired effective date of the EFP may result in a delayed effective date because of review requirements. The application package must include payment of any required fee as specified by paragraph (b)(1) of this section, and a written application that includes, but is not limited to, the following information:

- (i) The date of the application.
- (ii) The applicant's name, mailing address, and telephone number.
- (iii) A statement of the purposes and goals of the exempted fishery for which an EFP is needed, including justification for issuance of the EFP.
- (iv) For each vessel to be covered by the EFP, as soon as the information is available and before operations begin under the EFP:

(A) A copy of the USCG documentation, state license, or registration of

each vessel, or the information contained on the appropriate document.

(B) The current name, address, and telephone number of the owner and master, if not included on the document provided for the vessel.

(v) The species (target and incidental) expected to be harvested under the EFP, the amount(s) of such harvest necessary to conduct the exempted fishing, the arrangements for disposition of all regulated species harvested under the EFP, and any anticipated impacts on marine mammals or endangered species.

(vi) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.

(vii) The signature of the applicant.

(viii) The Regional Administrator or Director, as appropriate, may request from an applicant additional information necessary to make the determinations required under this section. An incomplete application or an application for which the appropriate fee has not been paid will not be considered until corrected in writing and the fee paid. An applicant for an EFP need not be the owner or operator of the vessel(s) for which the EFP is requested.

(3) *Issuance.* (i) The Regional Administrator or Director, as appropriate, will review each application and will make a preliminary determination whether the application contains all of the required information and constitutes an activity appropriate for further consideration. If the Regional Administrator or Director finds that any application does not warrant further consideration, both the applicant and the affected Council(s) will be notified in writing of the reasons for the decision. If the Regional Administrator or Director determines that any application warrants further consideration, notification of receipt of the application will be published in the FEDERAL REGISTER with a brief description of the proposal, and the intent of NMFS to issue an EFP. Interested persons will be given a 15- to 45-day opportunity to comment and/or comments will be requested during public testimony at a Council meeting. The notification may establish a cut-off date for

receipt of additional applications to participate in the same, or a similar, exempted fishing activity. The Regional Administrator or Director also will forward copies of the application to the Council(s), the USCG, and the appropriate fishery management agencies of affected states, accompanied by the following information:

(A) The effect of the proposed EFP on the target and incidental species, including the effect on any TAC.

(B) A citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity.

(C) Biological information relevant to the proposal, including appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species.

(ii) If the application is complete and warrants additional consultation, the Regional Administrator or Director may consult with the appropriate Council(s) concerning the permit application during the period in which comments have been requested. The Council(s) or the Administrator or Regional Administrator shall notify the applicant in advance of any meeting at which the application will be considered, and offer the applicant the opportunity to appear in support of the application.

(iii) As soon as practicable after receiving responses from the agencies identified in paragraph (b)(3)(i) of this section, and/or after the consultation, if any, described in paragraph (b)(3)(ii) of this section, the Regional Administrator or Director shall notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(A) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application; or

(B) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect the well-being of the stock of any regulated species of fish, marine mammal, or threatened or endangered species in a significant way; or

(C) Issuance of the EFP would have economic allocation as its sole purpose; or

(D) Activities to be conducted under the EFP would be inconsistent with the intent of this section, the management objectives of the FMP, or other applicable law; or

(E) The applicant has failed to demonstrate a valid justification for the permit; or

(F) The activity proposed under the EFP could create a significant enforcement problem.

(iv) The decision of a Regional Administrator or Director to grant or deny an EFP is the final action of NMFS. If the permit, as granted, is significantly different from the original application, or is denied, NMFS may publish notification in the FEDERAL REGISTER describing the exempted fishing to be conducted under the EFP or the reasons for denial.

(v) The Regional Administrator or Director may attach terms and conditions to the EFP consistent with the purpose of the exempted fishing, including, but not limited to:

(A) The maximum amount of each regulated species that can be harvested and landed during the term of the EFP, including trip limitations, where appropriate.

(B) The number, size(s), name(s), and identification number(s) of the vessel(s) authorized to conduct fishing activities under the EFP.

(C) The time(s) and place(s) where exempted fishing may be conducted.

(D) The type, size, and amount of gear that may be used by each vessel operated under the EFP.

(E) The condition that observers, a vessel monitoring system, or other electronic equipment be carried on board vessels operated under an EFP, and any necessary conditions, such as predeployment notification requirements.

(F) Reasonable data reporting requirements.

(G) Other conditions as may be necessary to assure compliance with the purposes of the EFP, consistent with the objectives of the FMP and other applicable law.

(H) Provisions for public release of data obtained under the EFP that are

consistent with NOAA confidentiality of statistics procedures at set out in subpart E. An applicant may be required to waive the right to confidentiality of information gathered while conducting exempted fishing as a condition of an EFP.

(4) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than 1 year, unless revoked, suspended, or modified. EFPs may be renewed following the application procedures in this section.

(5) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(6) *Transfer.* EFPs issued under this section are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(7) *Inspection.* Any EFP issued under this section must be carried on board the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(8) *Sanctions.* Failure of a permittee to comply with the terms and conditions of an EFP may be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP for enforcement purposes will be governed by 15 CFR part 904, subpart D.

(c) *Reports.* (1) Persons conducting scientific research activity are requested to submit a copy of any cruise report or other publication created as a result of the cruise, including the amount, composition, and disposition of their catch, to the appropriate Science and Research Director.

(2) Persons fishing under an EFP are required to report their catches to the appropriate Regional Administrator or Director, as specified in the EFP.

(d) *Exempted educational activities—(1) General.* A NMFS Regional Administrator or Director may authorize, for educational purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. The decision of a Regional Administrator or Director to grant or deny an exempted educational activity author-

ization is the final action of NMFS. Exempted educational activities may not be conducted unless authorized in writing by a Regional Administrator or Director in accordance with the criteria and procedures specified in this section. Such authorization will be issued without charge.

(2) *Application.* An applicant for an exempted educational activity authorization shall submit to the appropriate Regional Administrator or Director, at least 15 days before the desired effective date of the authorization, a written application that includes, but is not limited to, the following information:

- (i) The date of the application.
- (ii) The applicant's name, mailing address, and telephone number.
- (iii) A brief statement of the purposes and goals of the exempted educational activity for which authorization is requested, including a general description of the arrangements for disposition of all species collected.
- (iv) Evidence that the sponsoring institution is a valid educational institution, such as accreditation by a recognized national or international accreditation body.
- (v) The scope and duration of the activity.
- (vi) For each vessel to be covered by the authorization:
 - (A) A copy of the U.S. Coast Guard documentation, state license, or registration of the vessel, or the information contained on the appropriate document.
 - (B) The current name, address, and telephone number of the owner and master, if not included on the document provided for the vessel.
- (vii) The species and amounts expected to be caught during the exempted educational activity.
- (viii) For each vessel covered by the authorization, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.
- (ix) The signature of the applicant.
- (x) The Regional Administrator or Director may request from an applicant additional information necessary to make the determinations required

(c) The Pacific Coast treaty Indian tribes' usual and accustomed fishing areas within the fishery management area (FMA) are set out below in paragraphs (c)(1) through (c)(4) of this section. Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(1) *Makah*—That portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.

(2) *Quileute*—That portion of the FMA between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.

(3) *Hoh*—That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.

(4) *Quinault*—That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis) and east of 125°44'00" W. long.

(d) *Procedures*. The rights referred to in paragraph (a) of this section will be implemented by the Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation of fish that will be managed by the tribes, or through regulations in this section that will apply specifically to the tribal fisheries. An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the Regional Director, prior to the first of the Council's two annual groundfish meetings. The Secretary generally will announce the annual tribal allocation at the same time as the annual specifications. The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

(e) *Identification*. A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is *prima facie* evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(f) A limited entry permit under subpart C is not required for participation in a tribal fishery described in paragraph (d) of this section.

(g) Fishing under this section by a member of a Pacific Coast treaty Indian tribe within their usual and accustomed fishing area is not subject to the provisions of other sections of this part.

(h) Any member of a Pacific Coast treaty Indian tribe must comply with this section, and with any applicable tribal law and regulation, when participating in a tribal groundfish fishery described in paragraph (d) of this section.

(i) Fishing by a member of a Pacific Coast treaty Indian tribe outside the applicable Indian tribe's usual and accustomed fishing area, or for a species of groundfish not covered by an allocation or regulation under this section, is subject to the regulations in the other sections of this part.

(j) *Black rockfish*. Harvest guidelines for commercial harvests of black rockfish by members of the Pacific Coast Indian tribes using hook and line gear will be established annually for the areas between the U.S.-Canadian border and Cape Alava (48°09'30" N. lat.) and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), in accordance with the procedures for implementing annual specifications. Pacific Coast treaty Indians fishing for black rockfish in these areas under these harvest guidelines are subject to the provisions in this section, and not to the restrictions in other sections of this part.

(k) *Groundfish without a tribal allocation*. Makah tribal members may use midwater trawl gear to take and retain groundfish for which there is no tribal allocation and will be subject to the trip landing and frequency and size limits applicable to the limited entry fishery.

§ 660.331 Limited entry and open access fisheries—general.

All commercial fishing for groundfish must be conducted in accordance with the regulations governing limited entry and open access fisheries, except such fishing by treaty Indian tribes as may be separately provided for.

§ 660.332 Allocations.

(a) *General.* The commercial portion of the Pacific Coast groundfish fishery, excluding the treaty Indian fishery, is divided into limited entry and open access fisheries. Separate allocations for the limited entry and open access fisheries will be established annually for certain species and/or areas using the procedures described in this subpart or the PCGFMP.

(1) *Limited entry allocation.* The allocation for the limited entry fishery is the allowable catch (harvest guideline or quota excluding set asides for recreational or tribal Indian fisheries) minus the allocation to the open access fishery.

(2) *Open access allocation.* The allocation for the open access fishery is derived by applying the open access allocation percentage to the annual harvest guideline or quota after subtracting any set asides for recreational or tribal Indian fisheries. For management areas where quotas or harvest guidelines for a stock are not fully utilized, no separate allocation will be established for the open access fishery until it is projected that the allowable catch for a species will be reached.

(b) *Open access allocation percentage.* For each species with a harvest guideline or quota, the initial open access allocation percentage is calculated by:

(1) Computing the total catch for that species during the window period by any vessel that does not initially receive a limited entry permit.

(2) Dividing that amount by the total catch during the window period by all gear.

(3) The guidelines in this paragraph (b)(3) apply to recalculation of the open access allocation percentage. Any recalculated allocation percentage will be used in calculating the following year's open access allocation. If a gear type is prohibited by a state or the Secretary and a vessel thereby qualifies for a limited entry permit under this subpart, or if a small limited entry fleet is incorporated into the limited entry fishery under § 660.338, the window-period catch of these vessels will be deducted from the open access fishery's historical catch levels and the open access allocation percentage recalculated accordingly.

(c) *Catch accounting between the limited entry and open access fisheries.* Any groundfish caught by a vessel with a limited entry permit will be counted against the limited entry allocation while the limited entry fishery for that vessel's limited entry gear is open. When the fishery for a vessel's limited entry gear has closed, groundfish caught by that vessel with open access gear will be counted against the open access allocation. All groundfish caught by vessels without limited entry permits will be counted against the open access allocation.

(d) *Additional guidelines.* Additional guidelines governing determination of the limited entry and open access allocations are in the PCGFMP.

(e) *Treaty Indian fisheries.* Certain amounts of groundfish may be set aside annually for tribal fisheries prior to dividing the balance of the allowable catch between the limited entry and open access fisheries. Tribal fisheries conducted under a set-aside are not subject to the regulations governing limited entry and open access fisheries.

(f) *Recreational fisheries.* Recreational fishing for groundfish is outside the scope of, and not affected by, the regulations governing limited entry and open access fisheries. Certain amounts of groundfish may be specifically allocated to the recreational fishery, and will be set aside prior to dividing the commercial allocation between the commercial limited entry and open access fisheries.

§ 660.333 Limited entry fishery—general.

(a) *General.* Participation in the limited entry fishery requires that the owner of a vessel hold (by ownership or otherwise) a limited entry permit affixed with a gear endorsement registered for use with that vessel for the gear being fished. A sablefish endorsement is also required for a vessel to participate in the regular and/or mop-up seasons for the nontrawl, limited entry sablefish fishery, north of 36° N. lat. There are three types of gear endorsements: "A," "Provisional A," and "Designated species B." More than one type of gear endorsement may be affixed to a limited entry permit. While

the limited entry fishery is open, vessels fishing under limited entry permits may also fish with open access gear; except that during a period when the limited entry fixed gear sablefish fishery is limited to those vessels with sablefish endorsements, a longline or pot (or trap) limited entry permit holder without a sablefish endorsement may not fish for sablefish with open access gear.

(b) *Renewal of limited entry permits and gear endorsements.*

(1) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to remain in force the following year.

(2) Notification to renew limited entry permits will be issued by FMD prior to September 1 each year to the most recent address of the permit owner. The permit owner shall provide FMD with notice of any address change within 15 days of the change.

(3) A limited entry permit that is allowed to expire will not be renewed unless the FMD determines that failure to renew was proximately caused by the illness, injury, or death of the permit owner.

(c) *Transfer and registration of limited entry permits and gear endorsements.* (1) When the SFD transfers the limited entry permit on behalf of the permit holder, the SFD will reissue the permit in the name of the new permit holder with such gear and, if applicable, species endorsements and tier assignments as are eligible for transfer with the permit. Permit transfers will take effect on the first day of the next major limited entry cumulative limit period following the date of the transfer. Transfers of permits designated as participating in the "B" platoon will become effective on the first day of the next "B" platoon major limited entry cumulative limit period following the date of the transfer. No transfer is effective until the limited entry permit has been reissued as registered with the new vessel and the permit is in the possession of the new permit holder.

(2) A limited entry permit may not be used with a vessel unless it is registered for use with that vessel. Limited entry permits will normally be registered for use with a particular ves-

sel at the time the permit is issued, renewed, transferred, or replaced. A permit not registered for use with a particular vessel may not be used. If the permit will be used with a vessel other than the one registered on the permit, a registration for use with the new vessel must be obtained from the SFD and placed on board the vessel before it is used under the permit. Registration of a permit to be used with a new vessel will take effect on the first day of the next major limited entry cumulative limit period following the date of the transfer.

(3) The major limited entry cumulative limit periods will be announced in the FEDERAL REGISTER each year with the annual specifications and management measures, or with routine management measures when the cumulative limit periods are changed.

(4) Application forms for the transfer and registration of limited entry permits are available from the FMD (see part 600 for address of the Regional Director). Contents of the application, and required supporting documentation, are specified in the application form.

(5) The FMD will maintain records of all limited entry permits that have been issued, renewed, transferred, registered, or replaced.

(d) *Evidence and burden of proof.* A vessel owner (or persons holding limited entry rights under the express terms of a written contract) applying for issuance, renewal, transfer, or registration of a limited entry permit has the burden to provide evidence that qualification requirements are met. The owner of a permit endorsed for longline or trap (or pot) gear applying for a sablefish endorsement or a tier assignment under § 660.336, paragraph (c) or (d) has the burden to submit evidence to prove that qualification requirements are met. A permit holder applying to register a limited entry permit has the burden to submit evidence to prove that registration requirements are met. The following evidentiary standards apply:

(1) A certified copy of the current vessel document (USCG or state) is the best evidence of vessel ownership and LOA.

(2) A certified copy of a state fish receiving ticket is the best evidence of a landing, and of the type of gear used.

(3) A copy of a written contract reserving or conveying limited entry rights is the best evidence of reserved or acquired rights.

(4) Such other relevant, credible evidence as the applicant may submit, or the FMD or the Regional Director request or acquire, may also be considered.

(e) *Initial decisions.* Initial decisions regarding issuance, renewal, transfer, and registration of limited entry permits, and endorsement upgrade, will be made by the FMD.

Adverse decisions shall be in writing and shall state the reasons therefor. The FMD may decline to act on an application for issuance, renewal, transfer, or registration of a limited entry permit if the permit sanction provisions of the Magnuson Act at 16 U.S.C. 1858(a) and implementing regulations at 15 CFR part 904, subpart D, apply.

(f) *Transfers.* Limited entry permits are transferable as follows:

(1) The permit owner may transfer (by sale, assignment, lease, bequest, intestate succession, barter, trade, gift, or other form of conveyance) the limited entry permit to a different person. The permit holder may register the permit for use with a different vessel under the same ownership, subject to the conditions set forth in this subpart.

(2) Limited entry permits may not be transferred to a different holder or registered for use with a different vessel more than once every 12 months, except in cases of death of the permit holder or if the permitted vessel is totally lost, as defined at §600.302. The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of the ownership interest in the entity dies. When a permit transferred from one holder to another holder is initially “unidentified” with regard to vessel registration, or when a permit’s vessel registration is otherwise “unidentified”, the transaction is not considered a “transfer” for purposes of this restriction until the permit is registered for use with a specific vessel.

(3) Except as provided in §§ 660.335(b), 660.336(b), and 660.337(b)(2), only “A” gear endorsements remain valid with the transfer of a limited entry permit.

(g) *Eligibility.* Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a) may be issued or may hold (by ownership or otherwise) a limited entry permit.

(h) *Vessel size endorsements—(1) General.* The limited entry permit will be endorsed with the LOA for the size of the vessel that initially qualified for the permit, except:

(i) If the permit was initially issued under section 14.3.2.3.8 of the FMP [re pre-1991 replacement vessels qualifying for “provisional A” permits] for a replacement vessel that was more than 5 ft (1.52 m) longer than the replaced vessel, the permit will be endorsed for the size of the replacement vessel.

(ii) If the permit was initially issued to a replacement trawl vessel that was more than 5 ft (1.52 m) shorter than the replaced vessel, it will be endorsed for the size of the smaller replacement vessel.

(iii) If the permit is registered for use with a trawl vessel that is more than 5 ft (1.52 m) shorter than the size for which the permit is endorsed, it will be endorsed for the size of the smaller vessel.

(iv) When permits are combined into one permit to be registered for use with a vessel requiring a larger size endorsement, the new permit will be endorsed for the size of the larger vessel.

(2) *Limitations of size endorsements—(i)* A limited entry permit endorsed only for gear other than trawl gear may be registered for use with a vessel up to 5 ft (1.52 m) longer than, the same length as, or any length shorter than, the size endorsed on the existing permit without requiring a combination of permits under paragraph (i) of this section or a change in the size endorsement.

(ii) A limited entry permit endorsed for trawl gear may be registered for use with a vessel between 5 ft (1.52 m) shorter and 5 ft (1.52 m) longer than the size endorsed on the existing permit without requiring a combination of permits under paragraph (i) of this section or a change in the size endorsement under paragraph (h)(1)(iii) of this section.

(iii) Two or more limited entry permits with “A” gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement. With respect to permits endorsed for nontrawl limited entry gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with the largest cumulative landing limit of the permits being combined. The vessel harvest capacity rating for each of the permits being combined is that indicated in Table 2 of this part for the LOA (in feet) endorsed on the respective limited entry permit. Harvest capacity ratings for fractions of a foot in vessel length will be determined by multiplying the fraction of a foot in vessel length by the difference in the two ratings assigned to the nearest integers of vessel length. The length rating for the combined permit is that indicated for the sum of the vessel harvest capacity ratings for each permit being combined. If that sum falls between the sums for two adjacent lengths on Table 2 of this part, the length rating shall be the higher length.

(i) *Limited entry permits indivisible.* Limited entry permits may not be divided for use by more than one vessel.

[61 FR 34572, July 2, 1996, as amended at 62 FR 34674, June 27, 1997; 63 FR 34608, June 25, 1998; 63 FR 38114, July 15, 1998; 63 FR 40067, July 29, 1998; 64 FR 41044, July 29, 1999]

§ 660.334 Limited entry permits—“A” endorsement.

(a) A limited entry permit with an “A” endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See § 660.336 for provisions regarding sablefish endorsement requirements.

(b) An “A” endorsement is transferable with the limited entry permit to another person, or a different vessel

under the same ownership under § 660.333.

(c) An “A” endorsement expires on failure to renew the limited entry permit to which it is affixed (see § 660.333).

[61 FR 34572, July 2, 1996, as amended at 62 FR 34674, June 27, 1997]

§ 660.335 Limited entry permits—“Provisional A” endorsement.

(a) A “provisional A” endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a fixed gear sablefish endorsement is required. See § 660.336 for provisions regarding sablefish endorsement requirements.

(b) A “provisional A” endorsement is not transferrable except as specified in the PCGFMP.

(c) The holder of a “provisional A” endorsement must comply with the requirements set out in the PCGFMP at 14.3.2.4 in order for the permit to be upgraded to an “A” permit.

(d) A “provisional A” endorsement expires at the end of any of the three consecutive 365-day periods (during the 3-year qualifying period) in which a vessel’s landings do not meet the applicable landing requirement or upon failure to renew the limited entry permit. A “provisional A” endorsement that expires will not be reissued.

[61 FR 34572, July 2, 1996, as amended at 62 FR 34674, June 27, 1997]

§ 660.336 Limited entry permits—sablefish endorsement and tier assignment.

(a) *General.* Participation in the limited entry fixed gear sablefish fishery during the “regular” or “mop-up” season described in § 660.323 (a)(2)(iii) and (iv) north of 36° N. lat., requires that an owner of a vessel hold (by ownership or otherwise) a limited entry permit, registered for use with that vessel, with a longline or trap (or pot) endorsement and a sablefish endorsement. During a period when the limited entry sablefish fishery is restricted to those limited entry vessels with sablefish endorsements, a vessel with a longline or pot

limited entry permit but without a sablefish endorsement cannot be used to harvest sablefish in the open access fishery, even with open access gear.

(1) A sablefish endorsement with a tier assignment will be affixed to the permit and will remain valid when the permit is transferred.

(2) A sablefish endorsement and its associated tier assignment are not separable from the limited entry permit, and therefore may not be transferred separately from the limited entry permit.

(b) *Endorsement and tier assignment qualifying criteria.* A sablefish endorsement will be affixed to any limited entry permit that meets the sablefish endorsement qualifying criteria and for which the owner submits a timely application. Limited entry permits with sablefish endorsements will be assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit.

(1) Permit catch history will be used to determine whether a permit meets the qualifying criteria for a fixed gear sablefish endorsement and to determine the appropriate tier assignment for endorsed permits. Permit catch history includes the catch history of the vessel(s) that initially qualified for the permit, and subsequent catch histories accrued when the limited entry permit or permit rights were associated with other vessels. The catch history of a permit also includes the catch of any interim permit held by the current owner of the permit during the appeal of an initial NMFS decision to deny the initial issuance of a limited entry permit, but only if the appeal for which an interim permit was issued was lost by the appellant, and the owner's current permit was used by the owner in the 1995 limited entry sablefish fishery. The catch history of an interim permit where the full "A" permit was ultimately granted will also be considered part of the catch history of the "A" permit. If the current permit is the result of the combination of multiple permits, then for the combined permit to qualify for an endorsement, at least one of the permits that were combined must have had sufficient sablefish history to qualify for an endorsement; or the permit must qualify based on catch

occurring after it was combined, but taken within the qualifying period. If the current permit is the result of the combination of multiple permits, the combined catch histories of all of the permits that were combined to create a new permit before March 12, 1998, will be used in calculating the tier assignment for the resultant permit, together with any catch history (during the qualifying period) of the resultant permit. Only sablefish catch regulated by this part that was taken with longline or fish trap (or pot) gear will be considered for this endorsement. Sablefish harvested illegally or landed illegally will not be considered for this endorsement.

(2) The sablefish endorsement qualifying criteria are: At least 16,000 lb (7,257.5 kg) round weight of sablefish caught with longline or trap (or pot) gear in one calendar year from 1984 through 1994. All catch must be sablefish managed under this part. Sablefish taken in tribal set-aside fisheries does not qualify.

(3) Only limited entry, fixed gear permits with sablefish endorsements will receive cumulative trip limit tier assignments. The qualifying criteria for Tier 1 are: At least 898,000 lb (406,794 kg) cumulative round weight of sablefish caught with longline or trap (or pot) gear over the years 1984 through 1994. The qualifying criteria for Tier 2 are: At least 380,000 lb (172,365 kg), but no more than 897,999 lb (406,793 kg) cumulative round weight of sablefish caught with longline or trap (or pot) gear over the years 1984 through 1994. Fixed gear permits with less than 380,000 lb (172,365 kg) cumulative round weight of sablefish caught with longline or trap (or pot) gear over the years 1984 through 1994 qualify for Tier 3. All catch must be sablefish managed under this part. Sablefish taken in tribal set aside fisheries does not qualify.

(c) *Issuance process for sablefish endorsements.* (1) The SFD has notified each limited entry, fixed gear permit holder, by letter of qualification status, whether Pacific States Marine Fisheries Commission's Pacific Fisheries Information Network (PacFIN) records indicate that his or her permit qualifies for a sablefish endorsement. A

person who has been notified by the SFD, by letter of qualification status, that his or her permit qualifies for a sablefish endorsement will be issued a revised limited entry permit with a sablefish endorsement if, by November 30, 1998, that person returns to the SFD the endorsement application and pays the one-time processing fee. No new applications for sablefish endorsements will be accepted after November 30, 1998.

(2) If the permit owner receives a letter of qualification status from the FMD indicating that PacFIN records do not show that his or her permit qualifies for a sablefish endorsement and if the permit owner believes that there is sufficient evidence to show that his or her permit does qualify for an endorsement, that permit holder must submit information to the FMD to demonstrate that the permit does qualify for a sablefish endorsement within 30 days of the issuance of the FMD's letter of qualification status. Section 660.333(d) sets out the relevant evidentiary standards and burden of proof.

(3) After review of the evidence submitted under § 660.336(c)(2), and any additional information the FMD finds to be relevant, the FMD will notify a permit owner if the permit qualifies for a sablefish endorsement. A person whose permit qualifies will be issued a revised limited entry permit with a sablefish endorsement upon payment of the one-time processing fee.

(4) After review of the evidence submitted under § 660.336(c)(2), and any additional information the FMD finds to be relevant, the FMD will notify a permit owner of his determination that the permit does not qualify for a sablefish endorsement.

(5) If permit holder wishes to file an appeal of the determination under § 660.336(c)(4), the appeal must be filed with the Regional Administrator within 30 days of the issuance of the letter (at § 660.336(c)(4)). The appeal must be in writing and must allege facts or circumstances, and include credible evidence, demonstrating why the permit (or interim permit) qualifies for the sablefish endorsement. The appeal of a denial of a sablefish endorsement will

not be referred to the Council for a recommendation under § 660.340(e).

(6) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 45 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(d) *Issuance process for tier assignments.* (1) The SFD will notify each owner of a limited entry permit with a sablefish endorsement, by letter of qualification status, of the tier assignment for which his or her permit qualifies, as indicated by PacFIN records. The SFD will also send to the permit owner a tier assignment certificate.

(2) If a permit owner believes there is sufficient evidence to show that his or her permit qualifies for a different tier than that listed in the letter of qualification status, that permit owner must, within 30 days of the issuance of the SFD's letter of qualification status, submit information to the SFD to demonstrate that the permit qualifies for a different tier. Section 660.333(d) sets out the relevant evidentiary standards and burden of proof.

(3) After review of the evidence submitted under paragraph (d)(2) of this section, and any additional information the SFD finds to be relevant, the SFD will issue a letter of determination notifying a permit owner of whether the evidence submitted is sufficient to alter the initial tier assignment. If the SFD determines the permit qualifies for a different tier, the permit owner will be issued a revised tier assignment certificate once the initial certificate is returned to the SFD for processing.

(4) If a permit owner chooses to file an appeal of the determination under paragraph (d)(3) of this section, the appeal must be filed with the Regional Administrator within 30 days of the issuance of the letter of determination (at paragraph (d)(3) of this section). The appeal must be in writing and must allege facts or circumstances, and include credible evidence demonstrating why the permit qualifies for a different tier assignment. The appeal

of a denial of an application for a different tier assignment will not be referred to the Council for a recommendation under § 660.340(e).

(5) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(e) *Tier assignment certificates.* For the 1998 season only, permit holders with sablefish endorsements will be issued certificates of tier assignment that are to be kept with and are considered part of their limited entry permits. When limited entry permit holders renew their permits for 1999, tier assignments for those limited entry permit holders with sablefish endorsements will be indicated directly on the limited entry permit.

[62 FR 34674, June 27, 1997, as amended at 63 FR 38114, July 15, 1998]

§ 660.337 Limited entry permits—“designated species B” endorsement.

(a) *Issuance criteria*—(1) *General.* *Designated species* means Pacific whiting, jack mackerel north of 39° N. lat., and shortbelly rockfish. Bycatch allowances in fisheries for these species will be established using the procedures specified for incidental allowances in joint venture and foreign fisheries in the PCGFMP.

(2) *Catch limit.* On or about October 1 of each year, the FMD will determine the commitment of persons with limited entry permits with “A” gear endorsements (the “limited entry fleet”) to harvest each designated species for delivery to domestic processors during the coming year. “Commitment” means a permit holder's contract or agreement with a specific domestic processor to deliver an estimated amount of the designated species. The “designated species B” endorsement catch limit is the harvest guideline or quota for the designated species minus the commitment of the limited entry fleet. If the commitment is less than DAP and the harvest guideline or quota for the species, “designated species B” endorsements valid for delivery to domestic processors will be issued in

numbers necessary to reach but not exceed the harvest guideline or quota. “Designated species B” endorsements also may be issued for delivery to foreign processors of designated species for which a JVP is established. If, at any time during the fishing year, the FMD determines that any part of the limited entry fleet commitment will not be taken, the Regional Director will make a reapportionment to the “designated species B” endorsement catch limit. The amount of the annual limited entry fleet commitment, “designated species B” endorsement catch limit, and the amounts and timing of any reapportionments to the “designated species B” endorsement catch limit will be announced in the FEDERAL REGISTER.

(3) *Procedure for issuance.* Owners of vessels applying for “designated species B” endorsements must apply on or before November 1 of each year for a “designated species B” endorsement for the following year. Applications are available from the FMD. Applicants are required to specify their commitments for delivery of the designated species for the coming year. On or about November 1 of each year, the FMD will establish a prioritized list of applicants based on seniority (number of years the vessel has fished for the designated species). A vessel which replaces a lost vessel, consistent with the standards in the PCGFMP, has the same seniority status as the replaced vessel. Vessels with equal seniority will be ranked equally. “Designated species B” endorsements will be issued first to all vessels with the highest seniority, then to those with the next highest seniority, and so on down the list. No further endorsements will be issued when it is estimated that the commitments of applicants receiving endorsements is sufficient to take the “designated species B” catch limit. If there are insufficient commitments by senior applicants to take the “designated species B” catch limit, additional applications will be ranked by lottery and a number of endorsements sufficient to take the catch limit will be issued.

(b) *Attributes.* (1) A limited entry permit with a “designated species B” endorsement entitles the permit recipient to fish only for the species, and only with the gear, specified in the endorsement.

(2) A “designated species B” endorsement is not transferable to another person, and may not be used with a different vessel under the same ownership, unless the vessel has been totally lost and replaced consistent with the provisions of the PCGFMP, in which case the replacement vessel has the same seniority as the lost vessel for purposes of a “designated species B” endorsement.

(3) A “designated species B” endorsement is valid only for the fishing year for which it is issued.

§ 660.338 Limited entry permits—new permits.

(a) Small limited entry fisheries that are controlled by a local government, are in existence as of July 11, 1991, and have negligible impacts on the groundfish resource, may be certified as consistent with the goals and objectives of the limited entry program and incorporated into the limited entry fishery. Permits issued under this subsection will be issued according to the standards and procedures set out in the PCGFMP and will carry the rights explained therein. Window period is that period from July 11, 1984, through August 1, 1988.

(b) If, after the window period, an exempt gear is prohibited by Washington, Oregon, or California or NMFS, the owners of vessels using such gear, who would not otherwise qualify for an “A” or “provisional A” endorsement, may qualify for a “provisional A” endorsement for only one of the three limited entry gears, if the vessel used the prohibited gear to make sufficient landings of groundfish during the window period to meet the MLR for the limited entry gear. If a vessel would qualify for an endorsement for more than one limited entry gear, the owner must choose the type of gear for which the endorsement will be issued. If an “A” or “provisional A” endorsement was previously issued for the vessel, and the endorsement was subsequently transferred or expired, no “provisional A”

endorsement will be issued. Permits issued under this section will be issued according to the procedures and standards set out in the PCGFMP and will carry the rights explained therein.

(c) An owner of a vessel that qualifies under this section must apply to the FMD for a permit within 180 days of incorporation of the limited entry fleet of which the vessel is a part or within 180 days of the effective date of the prohibition of that vessel’s gear. Untimely applications will be rejected unless the applicant demonstrates that circumstances beyond the applicant’s control prevented submission of the application during the specified period. Illness, injury, or death of the potential applicant are the primary grounds on which untimely applications may be accepted.

§ 660.339 Limited entry permit fees.

The Regional Director will charge fees to cover administrative expenses related to issuance of limited entry permits, including initial issuance, renewal, transfer, vessel registration, replacement, and appeals. The appropriate fee must accompany each application.

§ 660.340 Limited entry permit appeals.

(a) Decisions on appeals of initial decisions regarding issuance, renewal, transfer, and registration of limited entry permits, and endorsement upgrade, will be made by the Regional Director.

(b) Appeals decisions shall be in writing and shall state the reasons therefor.

(c) Within 30 days of an initial decision by the FMD denying issuance, renewal, transfer, or registration of a limited entry permit, or endorsement upgrade, on the terms requested by the applicant, an appeal may be filed with the Regional Director.

(d) The appeal must be in writing, and must allege facts or circumstances to show why the criteria in this subpart have been met, or why an exception should be granted.

(e) At the appellant’s discretion, the appeal may be accompanied by a request that the Regional Director seek a recommendation from the Council as

to whether the appeal should be granted. Such a request must contain the appellant's acknowledgement that the confidentiality provisions of the Magnuson Act at 16 U.S.C. 1853(d) and part 600 of this chapter are waived with respect to any information supplied by the Regional Director to the Council and its advisory bodies for purposes of receiving the Council's recommendation on the appeal. In responding to a request for a recommendation on appeal, the Council will apply the provisions of the PCGFMP in making its recommendation as to whether the appeal should be granted.

(f) Absent good cause for further delay, the Regional Director will issue a written decision on the appeal within 45 days of receipt of the appeal, or, if a recommendation from the Council is requested, within 45 days of receiving the Council's recommendation. The Regional Director's decision is the final administrative decision of the Department as of the date of the decision.

§ 660.341 Limited entry permit sanctions.

Limited entry permits issued or applied for under this subpart are subject to sanctions pursuant to the Magnuson Act at 16 U.S.C. 1858(g) and 15 CFR part 904, subpart D.

§ 660.350 Compensation with fish for collecting resource information—exempted fishing permits off Washington, Oregon, and California.

In addition to the reasons stated in § 600.745(b)(1) of this chapter, an EFP may be issued under this subpart G for the purpose of compensating the owner or operator of a vessel for collecting resource information according to a protocol approved by NMFS. NMFS may issue an EFP allowing a vessel to retain fish as compensation in excess of trip limits or to be exempt from other specified management measures for the Pacific coast groundfish fishery.

(a) *Compensation EFP for vessels under contract with NMFS to conduct a resource survey.* NMFS may issue an EFP to the owner or operator of a vessel that conducted a resource survey according to a contract with NMFS. A vessel's total compensation from all sources (in terms of dollars or amount of fish, in-

cluding fish from survey samples or compensation fish) will be determined through normal Federal procurement procedures. The compensation EFP will specify the maximum amount or value of fish the vessel may take and retain after the resource survey is completed.

(1) *Competitive offers.* NMFS may initiate a competitive solicitation (request for proposals or RFP) to select vessels to conduct resource surveys that use fish as full or partial compensation, following normal Federal procurement procedures.

(2) *Consultation and approval.* At a Council meeting, NMFS will consult with the Council and receive public comment on upcoming resource surveys to be conducted if groundfish could be used as whole or partial compensation. Generally, compensation fish would be similar to surveyed species, but there may be reasons to provide payment with healthier, more abundant, less restricted stocks, or more easily targeted species. For example, NMFS may decline to pay a vessel with species that are, or are expected to be, overfished, or that are subject to overfishing, or that are unavoidably caught with species that are overfished or subject to overfishing. NMFS may also consider levels of discards, bycatch, and other factors. If the Council does not approve providing whole or partial compensation for the conduct of a survey, NMFS will not use fish, other than fish taken during the scientific research, as compensation for that survey. For each proposal, NMFS will present:

(i) The maximum number of vessels expected or needed to conduct the survey,

(ii) An estimate of the species and amount of fish likely to be needed as compensation,

(iii) When the survey and compensation fish would be taken, and

(iv) The year in which the compensation fish would be deducted from the ABC before determining the optimum yield (harvest guideline or quota).

(3) *Issuance of the compensation EFP.* Upon successful completion of the survey, NMFS will issue a "compensation EFP" to the vessel if it has not been fully compensated. The procedures in

§ 600.745(b)(1) through (b)(4) of this chapter do not apply to a compensation EFP issued under this subpart for the Pacific coast groundfish fishery (50 CFR part 660, subpart G).

(4) *Terms and conditions of the compensation EFP.* Conditions for disposition of bycatch or any excess catch, for reporting the value of the amount landed, and other appropriate terms and conditions may be specified in the EFP. Compensation fishing must occur during the period specified in the EFP, but no later than the end of September of the fishing year following the survey, and must be conducted according to the terms and conditions of the EFP.

(5) *Reporting the compensation catch.* The compensation EFP may require the vessel owner or operator to keep separate records of compensation fishing and to submit them to NMFS within a specified period of time after the compensation fishing is completed.

(6) *Accounting for the compensation catch.* As part of the annual specifications process (§ 660.321), NMFS will advise the Council of the amount of fish authorized to be retained under a compensation EFP, which then will be deducted from the next year's ABCs before setting the HGs or quotas. Fish authorized in an EFP too late in the year to be deducted from the following year's ABC will be accounted for in the next management cycle practicable.

(b) *Compensation for commercial vessels collecting resource information under a standard EFP.* NMFS may issue an EFP to allow a commercial fishing vessel to take and retain fish in excess of current management limits for the purpose of collecting resource information (§ 600.745(b) of this chapter). The EFP may include a compensation clause that allows the participating vessel to be compensated with fish for its efforts to collect resource information according to NMFS' approved protocol. If compensation with fish is requested in an EFP application, or proposed by NMFS, the following provisions apply in addition to those at § 600.745(b) of this chapter.

(1) *Application.* In addition to the requirements in § 600.745(b) of this chapter, application for an EFP with a compensation clause must clearly state

whether a vessel's participation is contingent upon compensation with groundfish and, if so, the minimum amount (in metric tons, round weight) and the species. As with other EFPs issued under § 600.745 of this chapter, the application may be submitted by any individual, including a state fishery management agency or other research institution.

(2) *Denial.* In addition to the reasons stated in § 600.745(b)(3)(iii) of this chapter, the application will be denied if the requested compensation fishery, species, or amount is unacceptable for reasons such as, but not limited to, the following: NMFS concludes the value of the resource information is not commensurate with the value of the compensation fish; the proposed compensation involves species that are (or are expected to be) overfished or subject to overfishing, fishing in times or areas where fishing is otherwise prohibited or severely restricted, or fishing for species that would involve unavoidable bycatch of species that are overfished or subject to overfishing; or NMFS concludes the information can reasonably be obtained at a less cost to the resource.

(3) *Window period for other applications.* If the RA or designee agrees that compensation should be considered, and that more than a minor amount would be used as compensation, then a window period will be announced in the FEDERAL REGISTER during which additional participants will have an opportunity to apply. This notification would be made at the same time as announcement of receipt of the application and request for comments required under § 600.745(b). If there are more qualified applicants than needed for a particular time and area, NMFS will choose among the qualified vessels, either randomly, in order of receipt of the completed application, or by other impartial selection methods. If the permit applicant is a state, university, or Federal entity other than NMFS, and NMFS approves the selection method, the permit applicant may choose among the qualified vessels, either randomly, in order of receipt of the vessel application, or by other impartial selection methods.

(4) *Terms and conditions.* The EFP will specify the amounts that may be taken as scientific samples and as compensation, the time period during which the compensation fishing must occur, management measures that NMFS will waive for a vessel fishing under the EFP, and other terms and conditions appropriate to the fishery and the collection of resource information. NMFS may require compensation fishing to occur on the same trip that the resource information is collected.

(5) *Accounting for the catch.* Samples taken under this EFP, as well as any compensation fish, count toward the current year's catch or landings.

[64 FR 49101, Sept. 10, 1999]

EFFECTIVE DATE NOTE: At 64 FR 49101, Sept. 10, 1999, § 660.350 was added, effective Oct. 12, 1999.

Subpart H—West Coast Salmon Fisheries

§ 660.401 Purpose and scope.

This subpart implements the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California developed by the Pacific Fishery Management Council. These regulations govern the management of West Coast salmon fisheries in the EEZ.

§ 660.402 Definitions.

In addition to the definitions in the Magnuson Act and in § 600.10 of this chapter, the terms used in this subpart have the following meanings:

Barbless hook means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Where barbless hooks are specified, hooks manufactured with barbs can be made barbless by forcing the point of the barb flat against the main part of the point.

Commercial fishing means fishing with troll fishing gear as defined annually under § 660.408, or fishing for the purpose of sale or barter of the catch.

Council means the Pacific Fishery Management Council.

Dressed, head-off length of salmon means the shortest distance between

the midpoint of the clavicle arch (see Figure 3 of this subpart) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails (see Figure 3 of this subpart).

Dressed, head-off salmon means salmon that have been beheaded, gilled, and gutted without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

Fishery management area means the EEZ off the coasts of Washington, Oregon, and California, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. The northeastern, northern, and northwestern boundaries of the fishery management area are as follows:

(1) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the United States and Canada (at 48°29'37" N. lat., 124°43'33" W. long.), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(2) Northern and northwestern boundary is a line¹ connecting the following coordinates:

<i>N. lat.</i>	<i>W. long.</i>
48°29'37.19"	124°43'33.19"
48°30'11"	124°47'13"
48°30'22"	124°50'21"
48°30'14"	124°52'52"
48°29'57"	124°59'14"
48°29'44"	125°00'06"
48°28'09"	125°05'47"
48°27'10"	125°08'25"
48°26'47"	125°09'12"
48°20'16"	125°22'48"
48°18'22"	125°29'58"
48°11'05"	125°53'48"
47°49'15"	126°40'57"
47°36'47"	127°11'58"
47°22'00"	127°41'23"

¹The line joining these coordinates is the provisional international boundary of the U.S. EEZ as shown on NOAA/NOS Charts #18480 and #18002.

PROPOSED RULE FOR PERMIT FOR PROCESSING VESSELS OVER 125'

Section 663.7 is amended by revising paragraph (f) and adding paragraphs (n) and (o) to read as follows:

§663.7 Prohibitions. [It is unlawful to...]

(n) Fish for, receive, or process groundfish with a processing vessel that does not have aboard a valid permit required in §663.11, records, reports, or logbooks required in §663.4, or an observer as required in §663.30.

(o) Falsify or fail to make, keep, maintain, submit, or make available for inspection any record, logbook, or report as required by this part.

Part 663 is amended by adding a new §663.11 as follows:

§663.11 Permits.

(a) General. In the fishery management area, a processing vessel may not fish for or process groundfish, nor may a vessel deliver groundfish to a processing vessel without possessing on board the vessel a vessel permit issued under this section. All references to "processing vessel" and "vessel" in this section include the owners and operators of those vessels. Permits will be issued without charge and renewed annually.

(b) Application. The vessel permit required under paragraph (a) of this section may be obtained by submitting to the Northwest Regional Director a written application containing the following information:

- (1) The vessel owner's name, mailing address, and telephone and fax numbers.
- (2) The name of the vessel.
- (3) The vessel's U.S. Coast Guard documentation number.
- (4) The home port of the vessel.
- (5) The length and net tonnage of the vessel.
- (6) The hull color of the vessel.
- (7) The names of all operators and/or lessees of the vessel.
- (8) The type of operations the vessel will conduct (i.e., processing only or processing and harvesting).
- (9) For harvesting vessels, the type of fishing gear to be used.
- (10) The signature of the applicant and date of signature.

(c) Issuance. (1) Except pursuant to the permit denial procedures set forth in subpart D of 15 CFR part 904, upon receipt of a properly completed application, the Regional Director will issue the permit required by paragraph (a) of this section.

(2) Upon receipt of an incomplete or improperly completed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(d) Notification of Change. Any person who has applied for and received a permit under this section shall give written notice of any change in the information provided under paragraph (b) of this section to the Northwest Regional Director within 30 days of the date of that change. Failure to provide written notice of change will invalidate the permit.

(e) Duration. A permit is valid through December 31 of the year for which it was issued unless it is revoked, suspended, or modified under subpart D of 15 CFR part 904.

(f) Alteration. No person may alter, erase, or mutilate any permit issued under this section. Any permit that has been intentionally altered, erased, or mutilated will be invalid.

(g) Transfer. Permits issued under this section are not transferable or assignable. Each permit is valid only for the vessel for which it is issued.

(h) Inspection. Any permit issued under this section must be presented for inspection upon request of any authorized officer.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Three data collections dealing with Federal fishery permits affect participants in the groundfish fishery off Washington, Oregon, and California (WOC). The three data collections involve: (1) exempted fishing permits (previously called experimental fishing permits); (2) limited entry permits for commercial fishermen; and (3) Federal permits for groundfish processing vessels over 125 ft (38 m) in length.

Exempted (experimental) fishing permits are issued to applicants for fishing activities that would otherwise be prohibited. The information provided by applications allows NMFS to evaluate the consequences of the exempted fishing activity and weigh the benefits and costs. Permittees are required to file reports on the results of the experiments and in some cases individual vessels are required to provide minimal data reports. This information allows NMFS to evaluate techniques used and decide if management regulations should be changed.

A Federal permit is required to commercially catch groundfish, and permits are endorsed for one or more of three gear types (trawl, longline, and fish pot). Participation in the fishery and access to permits have been limited as a way of controlling the overall fleet harvest capacity. Limited entry permits must be renewed annually and are transferable.

NOAA is also considering the implementation of a requirement that fish processing vessels over 125 ft (38 m) in length obtain a Federal fisheries permit to process groundfish in the WOC fishing area. Such a requirement may be needed to obtain adequate information on which to base both in-season and between-season management decisions affecting the Pacific groundfish resource, to know the number of vessels operating for the purpose of deployment of observers, and for enforcement monitoring.

II. Method of Collection

Permit applications are made on NMFS forms. The exempted fishing data reports from individual vessels which may be a verbal data collection submitted in person, faxed, or submitted by telephone by the vessel owner or operator to NMFS or the states of Washington, Oregon, or California.

III. Data

OMB Number: 0648-0203

Form Number: None

Type of Review: Regular submission

Affected public: Business or other for-profit (owners and operators of vessels that fish for or process groundfish in ocean waters 0-200 nautical miles off of Washington, Oregon, or California.

Estimated Number of Respondents: 796

Estimated Time Per Response: 20 minutes for a limited entry or at-sea processor permit application; 60 minutes of an exempted fishing application; 60 minutes for a summary report of actions under an exempted fishing permit, and 10 minutes for data reports on exempted fishing permit activities

Estimated Total Annual Burden Hours: 598

Estimated Total Annual Cost to Public: \$26,214

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 7, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 99-32544 Filed 12-15-99; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 120999E]

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

Title: Application Form for Membership on a National Marine Sanctuary Advisory Council.

Agency Form Number(s): None.

OMB Approval Number: None.

Type of Request: In use without OMB approval.

Burden Hours: 75 hours.

Number of Respondents: 75.

Average Hours Per Response: 1 hour.

Needs and Uses: Section 315 of the National Marine Sanctuaries Act allows the Secretary of Commerce to establish one or more advisory councils to provide advice regarding the designation and management of national marine sanctuaries. The Councils also provide a variety of different perspectives and interests and help link the sanctuary to the community. Councils are individually chartered for each sanctuary to meet the needs of that sanctuary. Once a council has been chartered, the Sanctuary Manager begins a process to recruit members for that council by providing notice to the public and asking interested parties to apply for the available seats. An application and guidelines for a narrative submission must be submitted to the Sanctuary Manager. The application is used to choose the best applicants to serve as members on the Council.

Affected Public: Individuals or households, businesses or other for-profit organizations, or not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 724 17th Street, NW, Washington, DC 20503.

Dated: December 6, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-32545 Filed 12-15-99; 8:45 am]

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